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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Richard H. Hall et al. Attn: Group Art Unit 3682
Serial No. 09/172,577 Examiner Chong Hwa Kim
Filing Date 10/13/1998
For INERT GAS BLANKET FOR PROTECTION FROM OXIDATION

Amendment after Decisions in Appeal No. 2005-1648

Commissioner for Patents, Alexandria, VA 22313-1450:

I certify that this correspondence is facsimile-transmitted to the Patent and Trademark Office (571-273-8300) on 07 MAY 2008:

Christopher John Rudy: Christopher John Rudy 5/7/2008.

Thank you for the DECISION ON REQUEST FOR REHEARING decided on April 14, 2008 and for the courtesies extended by the Examiner during a brief telephone interview of April 25, 2008 with respect to the patent application of reference. In consideration of the DECISION and the interview, please enter the present amendment set forth as CLAIMS AMENDMENTS that follow the present page.

This amendment more particularly points out and distinctly claims the invention. With particular relation to the most recent claims, independent claims 16 and 68 and dependent claims 42 and 47 are canceled; claim 17 is presented in independent format to include the limitations and verbiage of canceled claim 16; new claim 69 is presented in independent format with the limitations and verbiage of canceled claims 16 and 42; and new claim 70 depends on claim 69 as a substitute for canceled claim 47 (formerly dependent on claim 42) with its limitations and verbiage. No new matter is entered, and, since the same number of independent and total claims remain in the application as immediately before, no additional fee is currently due.

As a RECORD OF INTERVIEW, Examiner Kim indicated that the Applicant could file an amendment before the expiration of the two-month period to otherwise file a notice of appeal or civil action, and that he would review the file. He said that the objection to the specification may be overcome through parallel action of the Board with respect to overturned formal rejections. The comment of the Examiner is invited.

The present claims coincide with the claims approved by the Board. The objection to the specification under 35 USC 132 for new matter, which remains respectfully traversed, is overcome as shown by parallel actions of the withdrawal of the rejection of claims 50-53 ("without the presence of ..." limitation) and the reversal of the rejection of claims 16, 17, 19, 20, 39, 42, 43, 46 and 47 ("vented space" limitation) under 35 USC 112, 1st para.

Respectfully submitted,

Dated: May 7, 2008 A.D.

Attmt: Pages 2-7

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